



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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December 31, 2019

Honorable Gregory H. Woods  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1212

Re: SEC v. Robert Gaughran and Kevin Clune, 17 Civ. 10026 (GHW)

Dear Judge Woods,

On December 23, 2019, a motion was filed in this matter entitled "Plaintiff Securities and Exchange Commission's Notice of Motion, Motion, and Memorandum of Law in Support of an Order Directing the Transfer of Funds to Related Proceeding for Distribution and Directing that All Funds Paid by Defendants Be Included in the Fair Fund." The Order approving the motion was issued on December 26, 2019.

I am writing to inform you that the SEC filing contains an inadvertent misrepresentation on page 4 that Defendant Clune had not yet made a second payment pursuant to his ordered payment plan and that the second payment was overdue. Undersigned counsel checked with our Office of Financial Management ("OFM") prior to filing the motion, but for some reason, Defendant Clune's payment was not yet reflected in our system. Subsequently, undersigned counsel contacted OFM again and confirmed that the payment had in fact been made prior to our submission. I regret the error.

If you have any questions or concerns regarding this matter, please call me at 202.551.4489 or email me at [pecaros@sec.gov](mailto:pecaros@sec.gov).

Best regards,

Susan

Susan S. Pecaro  
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